



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



February 9, 2004

LETTER OF DEFICIENCY #WSEB 04-012
CERTIFIED MAIL #7000 0600 0023 9932 6696

Evette Lagram
Bad Moose Café
377 Whittier Highway
PO Box 350
Moultonborough, NH 03254

Subject: Moultonborough - Public Water System: Bad Moose Café (EPA #1618350)

Dear Ms. Lagram

The records of the Department of Environmental Services (DES) show that the Bad Moose Café water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system serving 15 or more services, or 25 or more people for 60 or more days per year.

BACTERIA MONITORING

The water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Administrative Rule Env-Ws 325

DES records show that the subject water system failed to submit a bacteria sample and as a result a Monitoring/Report (M/R) violation was issued for the month of **May 2003** (copy of Notice of Violation (NOV) dated July 3, 2003 enclosed).

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. As a result of the failure to perform public notification for the May 2003 M/R violation, a NOV, dated August 25, 2003, was sent to you (copy enclosed). The NOV requested that you issue public notification within 30 days of learning of the M/R violation and submit a copy to DES immediately. To date, no proof of public notice has been received by DES, thus placing the water system in violation of Env-Ws 351.01.

In view of the public notice violation, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

By February 23, 2004 carry out the public notice requirements for the May 2003 sampling violation; and

2 **By March 8, 2004**, provide proof of public notice to DES.

SANITARY SURVEY

Pursuant to NH Admin. Rule Env-Ws 306, PWSs are subject to periodic inspections or sanitary surveys by DES staff. All transient non-community public water supply systems are subject to a sanitary survey once every five years. The purpose of the sanitary survey is to determine the water system's compliance with RSA 485 and applicable rules relative to federal and state drinking water standards.

On June 30, 1999, personnel from DES conducted a sanitary survey of the Water System. A copy of the Sanitary Survey Report dated July 13, 1999 is enclosed herewith. The sanitary survey significant deficiencies are as follows:

Sampling Tap

The present piping configuration in the pumphouse makes it impossible to determine the water quality for each source or after each treatment process. New Hampshire design standards require that all sources be capable of being sampled individually. Only in this way is it possible to monitor the water supply completely and to isolate pollution sources when necessary. A sampling tap for each source and treatment process must be installed. The treatment tap should be located after the treatment facilities and the source sampling taps should be located on each well waterline prior to its entry to the first on-line storage tank. They should be located at least 12 inches above the pumphouse floor in an easily accessible location.

Hazards – Well

All public water system supply wells require a sanitary protective area (protective well radius) within which no leach fields, oil, debris or other hazardous materials may be located or stored. Currently this requirement is not being met by the water system. **The portable toilet must be relocated out of the sanitary protective area.**

NH Admin. Rule Env-Ws 306 requires a significant deficiency identified in a sanitary survey to be corrected within 90 days of the date of the inspection. To date, DES has not received any correspondence indicating that the deficiencies have been corrected.

DES believes the sanitary survey deficiencies can be corrected by taking the following actions:

- 3 **By February 23, 2004**, install a sampling tap for the bedrock well source. The source sampling tap should be located on the well waterline prior to its entry to the first on-line storage tank. It should be located at least 12 inches above the pumphouse floor.
4. **By February 23, 2004**, relocate the portable toilet out of the sanitary protective area.

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5. **By March 8, 2004**, provide DES with documentation that the work has been completed on action items numbered 3 and 4 above.

In the event compliance is not achieved within these time periods, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The bacteria M/R public notice and sanitary survey deficiencies documentation as requested above should be forwarded to the following:

Anne Bailey
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Anne Bailey by phone at (603) 271-0672, or by e-mail at abailey@des.state.nh.us if you have any questions regarding this letter.

Sincerely,

COPY


Rene Pelletier, P.G., Manager
Land Resource Programs

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Enclosures: M/R Notice of Violation dated July 3, 2003
P/N Notice of Violation dated August 25, 2003
Master Sampling Schedule
Bacteria M/R Public Notice Form
Sanitary Survey dated July 13, 1999

cc: Gretchen Rule, DES Legal Unit
Don Greenwood, DES WSEB
Town of Moultonborough Health Officer
EPA Region 1